

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D.C. 20554

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(NOV 30 1993)

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

 In the Matter of)

Implementation of Section 309(j))
 of the Communications Act)
 Competitive Bidding)
 _____)

PP Docket No. 93-253

REPLY COMMENTS OF HUGHES TRANSPORTATION MANAGEMENT SYSTEMS

Hughes Transportation Management Systems ("Hughes"), a subsidiary of Hughes Aircraft Corporation, hereby submits reply comments in the above-captioned proceeding, in accordance with the Commission's Notice of Proposed Rulemaking, FCC 93-455, PP Docket No. 93-253 (October 12, 1993) (the "NPRM"). As described in its comments on the NPRM filed on November 10, 1993 ("Hughes Comments"), Hughes has developed, and is now deploying, a local-area Automatic Vehicle Monitoring ("AVM") technology. Hughes Comments at 1-3, 5. Hughes opposes use of competitive bidding procedures in licensing local-area AVM technologies. See NPRM at ¶ 145 (requesting comments on applicability of competitive bidding to AVM services). As discussed below, Hughes' views are uniformly shared by other parties that commented on applicability of competitive bidding to AVM or to Intelligent Vehicle-Highway Systems ("IVHS") in general.

In its comments in this proceeding, Hughes argued that local-area AVM services are not open to spectrum auction procedures because: (i) licensing of such services will not result in mutual exclusivity of applications, and (ii) the principal use of spectrum

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authorized for such services will not be for subscriber-compensated transmissions. See Hughes Comments at 3-7.

Other commenters have drawn similar conclusions. For example, IVHS America urged the Commission to "retain the discretion to find the principal use of a service to be 'private' if that service performs a fundamental public safety or quasi-public safety function as a component of a nationwide IVHS infrastructure." Comments of IVHS America at 8. See also Hughes Comments at 5, 6 n.3. Southwestern Bell Corporation stated that AVM services should not be licensed through competitive bidding because such services "will be secondary to both governmental and industrial, scientific and medical ("ISM") users," and therefore not primarily used to provide service to paying subscribers. Comments of Southwestern Bell Corporation at 14. See also Hughes Comments at 5. Similarly, Pactel Corporation noted that spectrum auction would not be appropriate because AVM is secondary to other services in the 902-928 MHz band. See Comments of Pactel Corporation at 12.

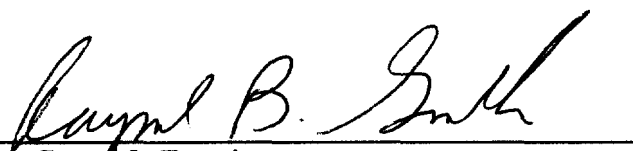
Hughes agrees with the above comments regarding public safety, governmental and non-AVM use of AVM spectrum. Further, many non-governmental AVM services are used internally by businesses, such as for tracking cargo containers or fleet vehicles. Such uses are "private," as defined in the NPRM, and consequently do not qualify for competitive bidding under compensated-service requirements. See NPRM at ¶ 26, Hughes Comments at 6.

For the reasons set forth herein, AVM services do not satisfy statutory criteria for competitive bidding eligibility. The Commission should therefore exclude such services from further consideration under the NPRM.

Respectfully submitted,

HUGHES TRANSPORTATION MANAGEMENT SYSTEMS

By: _____


Gary M. Epstein
Raymond B. Grochowski
LATHAM & WATKINS
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004

Consulting Engineer:
Paul J. Fox, P.E.
Telecommunications Directions
1000 Connecticut Ave., N.W.
Washington, D.C. 20036

November 30, 1993

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing REPLY COMMENTS OF
HUGHES TRANSPORTATION MANAGEMENT SYSTEMS has been served by United
States mail, postage prepaid this 30th day of November, 1993 upon the following:

for IVHS America:

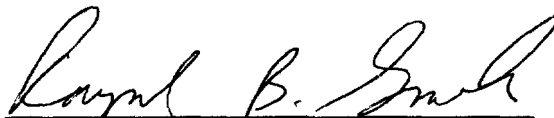
Robert B. Kelly, Esq.
Kelly, Hunter, Mow & Povich, P.C.
1133 Connecticut Avenue, N.W.
Washington, D.C. 20036

for Southwestern Bell Corporation:

James D. Ellis, Esq.
Paula J. Fulks, Esq.
175 E. Houston
Room 1218
San Antonio, TX 78205

for Pactel Corporation

Brian D. Kidney, Esq.
Pamela J. Riley, Esq.
Kathleen Q. Abernathy, Esq.
PACTEL CORPORATION
2999 Oak Road, MS 1050
Walnut Creek, CA 94596


Raymond B. Grochowski